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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,639

09/15/2003

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EXAMINER

LY, NGHI H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/662,639	Applicant(s) WHITE ET AL.	
	Examiner Nghii H. Ly	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 7-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-6 and 37-50 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending **Application No. 11/134,680 (or Pub. No. 2005/0207550A1) (White et al)**.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach similar methods and apparatus for translation capability of a service control point. Further, the claims of the instant application are generic to all that is recited in the claims of the copending application.

Regarding claims 1-6 and 37-50, White teaches a method of displaying contact information in real time about a caller, the method comprising: receiving information

from the caller via a wireless device (see claims 1-36), communicating the information to at least one computing device external to the wireless device (see claims 1-36), locating the contact information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs, using at least one of a name and phone number of the caller (see claims 1-36), and displaying the contact information for the caller on a display of the external computing device (see claims 1-36).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 44, 45 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (US 6,693,897).

Regarding claim 44, Huang teaches a device comprising: logic to interface with at least one wireless device (see column 5, lines 7-22), logic to in real time during a call receive from the wireless device caller name and phone number information and to locate contact information for the caller in a contact database using at least one of a name (see Abstract and column 2, line 60 to column 3, line 5) and phone number of the

caller (see Abstract, column 2, line 60 to column 3, line 5 and column 4, line 63 to column 5, line 6).

Regarding claim 45, Huang teaches logic to display the contact information (see column 5, lines 36-51).

Regarding claim 46, Huang teaches logic to create a new contact record for the caller in the contact database if the contact information for the caller is not located in the contact database, the new contact record associating the name and phone number of the caller (see Abstract and column 2, line 60 to column 3, line 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 6 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US 6,993,119).

Regarding claims 1 and 37, Cruickshank teaches a method of displaying contact information about a caller, the method comprising: receiving information from the caller via a wireless device (column 8, lines 20-38, see “*mobile telephone*”), communicating the information to at least one computing device external to the wireless device (column 8, lines 20-38, see “*mobile telephone*” and “*terminal devices 14 and 16*”, and see fig.1, Cruickshank’s “*terminal devices 14 and 16*” read on applicant’s “external computing device”), and locating information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs (see column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Cruickshank does not specifically disclose locating the contact information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs, using at least one of a name and phone number of the caller, and displaying the contact information for the caller on a display of the external computing device.

Mobley teaches locating contact information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs, using at least one of a name and phone number of the caller, and

displaying the contact information for the caller on a display of the external computing device (see column 1, lines 30-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mobley into the system of Cruickshank in order to provide a computer system is typically used to receive automatic number identification from the telephone call (see Mobley, column 1, lines 30-32).

The combination of Cruickshank and Mobley does not specifically disclose a method of displaying contact information in real time about a caller.

Zhang teaches a method of displaying contact information in real time about a caller (see column 16, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zhang into the system of Cruickshank and Mobley in order to give the calling party the option of identifying itself to the called party (see Zhang, column 16, lines 6-8).

Regarding claim 2, Cruickshank further teaches if the contact information for the caller is not located, the external communicating device creating a new contact record for the caller in the contact database, the new contact record associating the name and phone number of the caller (see column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Regarding claims 3 and 40, Cruickshank further teaches the external computing device receiving photo information for the caller from the wireless device (see column 7,

lines 56-66), and including the photo information in the new contact record for the caller (see column 7, lines 3-14).

Regarding claims 4 and 41, Cruickshank teaches providing contact information from contact manager logic of the external computing device or of the network to which the external computing device belongs to the wireless device (see column 7, lines 56-66), and communicating the contact information to the wireless device as one of an SMS, EMS, and MMS message (see Abstract, “message”).

Regarding claim 6, Cruickshank further teaches providing contact information from contact manager logic of the external computing device or of the network to the wireless device and storing the contact information from the contact manager logic in a memory of the wireless device (see Abstract and column 2, lines 21-27).

Regarding claim 38, the combination of Cruickshank and Mobley further teaches the external computing device comprising logic to display the contact information (see Mobley, column 1, lines 30-37).

Regarding claim 39, the combination of Cruickshank and Mobley further teaches the external computing device comprising logic to create a new contact record for the caller in the contact database if the contact information for the caller is not located in the contact database, the new contact record associating the name and phone number of the caller (see Mobley, column 1, lines 30-37).

Regarding claim 42, Cruickshank further teaches contact manager logic comprising a GUI, and logic to enable dragging and dropping of the contact information

from the contact manager logic GUI to a GUI for the wireless device displayed by the external computing device (see column 12, lines 8-15).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US 6,993,119) and Gerszberg et al (US 6,385,305).

Regarding claim 5, the combination of Cruickshank, Mobley and Zhang teaches claim 1. The combination of Cruickshank, Mobley and Zhang does not specifically disclose dragging the contact information from a GUI for the contact manager logic and dropping the contact information into a GUI for wireless device interface logic.

Gerszberg teaches dragging the contact information from a GUI for the contact manager logic and dropping the contact information into a GUI for wireless device interface logic (see column 9, lines 20-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gerszberg into the system of Cruickshank, Mobley and Zhang in order to provide user-friendly feature for the user.

9. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US 6,993,119) and Official notice.

Regarding claim 43, the combination of Cruickshank, Mobley and Zhang teaches the external computing device comprising logic to provide the contact information to the

wireless device (see Cruickshank, column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

The combination of Cruickshank and Mobley does not specifically disclose the wireless device comprising logic to store the contact information received from the external computing device. However, the examiner takes Official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to modify the above teaching of Cruickshank, Mobley and Zhang for providing a method as claimed, for storing the contact information in wireless device.

10. Claims 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (US 6,693,897) in view of Cruickshank et al (US 6,888,927).

Regarding claim 47, Huang teaches claim 44. Huang does not specifically disclose Cruickshank further teaches the external computing device receiving photo information for the caller from the wireless device, and including the photo information in the new contact record for the caller.

Cruickshank further teaches the external computing device receiving photo information for the caller from the wireless device (see column 7, lines 56-66), and including the photo information in the new contact record for the caller (see column 7, lines 3-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cruickshank into the system of Huang in order to provide an addressee of a stored message with a graphical notification associated with a source of the stored message (see Cruickshank, Abstract).

Regarding claim 48, the combination of Cruickshank and Huang further teaches providing contact information from contact manager logic of the external computing device or of the network to which the external computing device belongs to the wireless device (see column 7, lines 56-66), and communicating the contact information to the wireless device as one of an SMS, EMS, and MMS message (see Huang, column 6, lines 19-24).

Regarding claim 49, the combination of Cruickshank and Huang further teaches contact manager logic comprising a GUI, and logic to enable dragging and dropping of the contact information from the contact manager logic GUI to a GUI for the wireless device displayed by the external computing device (see Cruickshank, column 12, lines 8-15).

Regarding claim 50, the combination of Cruickshank and Huang further teaches logic to provide the contact information to the wireless device (see Huang, column 5, lines 7-22 and see Cruickshank, column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Response to Arguments

11. Applicant's arguments with respect to claims 1-6 and 37-50 have been considered but are moot in view of the new ground(s) of rejection.

On page 12 of Applicant's remarks, Applicant argues that there is no motivation to combine the references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in the references themselves in order to provide a computer system is typically used to receive automatic number identification from the telephone call (see Mobley, column 1, lines 30-32) and in order to give the calling party the option of identifying itself to the called party (see Zhang, column 16, lines 6-8).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617